

REMARKS/ARGUMENTS

I. Status of the Claims

Prior to entry of this amendment, claims 18-24 and 30-36 were pending in the application. An office action mailed May 30, 2006 rejected claims 18-22, 24, and 30-36 under 35 U.S.C. § 102(b) as being anticipated by USP 5,416,903 (“Malcolm”). The office action also rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Malcolm, in view of USP 6,526,426 (“Lakritz”). This amendment amends claims 18, 23 and 34-36, and claim 19 has been canceled. No claims have been added. Accordingly, after entry of this amendment, claims 18, 20-24 and 30-36 will stand pending for examination.

II. Claim Amendments

Claim 18 has been amended to remove “displaying said at least a first component of said software translated into said second language in the context of said first component's usage in said target software program“ and to recite “wherein providing for the translation of said at least a first component of said source software program comprise simultaneously displaying for a translator (i) said at least a first component of said software in a first format, and (ii) said at least a first component of said software translated into said second language in a second format, wherein said first format comprises a format in which said at least a first component in said first natural language is displayed by a version of said software utilizing said first component in said first natural language, and wherein said second format comprises a format in which said at least a first component is displayed in a version of said software utilizing said translation of said first component into said second natural language.” Claims 34-36 have been amended in similar fashion

Support for these amendments can be found throughout the application, including, inter alia, original claim 19, which has been canceled accordingly. Further support for the amendments can be found in Fig. 25 and the portions of the specification describing that figure (e.g., p. 36).

Claim 23 has been amended to remove an element viewed as unnecessary in light of the amendments to claim 18.

III. Claim Rejections under 35 U.S.C. §102

The office action rejected claims 18-22, 24, and 30-36 under § 102(b) as being anticipated by Malcolm. These rejections are traversed in part and the applicants respectfully submit that the rejections have been overcome in part.

As amended, claim 18 recites, *inter alia*, “wherein providing for the translation of said at least a first component of said source software program comprises simultaneously displaying for a translator (i) said at least a first component of said software in a first format, and (ii) said at least a first component of said software translated into said second language in a second format, wherein said first format comprises a format in which said at least a first component in said first natural language is displayed by a version of said software utilizing said first component in said first natural language, and wherein said second format comprises a format in which said at least a first component is displayed in a version of said software utilizing said translation of said first component into said second natural language.” Malcolm fails to teach or suggest this element.

In rejecting claim previous 19 (which recited a somewhat similar element), the office action noted that “Malcolm discloses screen panels are provided for a source file 40 as sample panel 80, or as English language panel 88 (column 5, lines 1 to 43: Figures 4 and 5); translation of language dependent file 70 results in a corresponding file 100 into a German language; language dependent file 100 serves as an input to panel-formatter subsystem 108; and is displayed as panel 120 (column 6, lines 25 to 60: Figures 4 and 5); implicitly, panel-formatter subsystem 108 displays screen panels simultaneously.” The applicants respectfully disagree with this characterization of Malcolm’s teachings.

First, nothing in Malcolm either teaches or suggests that any user interface elements (such as panels, etc.) are displayed for a translator. Specifically, nothing in Malcolm even suggests that the panels illustrated by Fig. 5 are ever displayed to a translator. Regarding that figure, Malcolm teaches that “[t]he single source file contains tagged information for

building panels.” Malcolm, c. 5, ll. 6-7. Malcolm does not, however, teach or suggest anywhere that this single source file might be provided to a translator. Indeed, as illustrated by Fig. 4 of Malcolm, the source file (40) is parsed by the complier (31) to produce a language independent file (68), which is used to build the panels, and a language dependent file (70) that contains only the text to be translated (and associated annotations). It is only this language dependent file that is provided to the translator (i.e., the translation step (132)). Indeed, the entire point of Malcolm’s invention is to split the single source file (40), so that only the language dependent information (i.e., the language dependent file (70)) needs to be provided to the translator. It strains credulity to assume that, even though Malcolm’s system removes the language independent information before providing the language dependent file (70) to the translator, the system would then provide the language independent file (68) to the translator as well. If Malcolm implicitly operated in that way, there would be no point in splitting the files in the first place.

Further, Malcolm expressly teaches away from providing the translator anything but the language dependent file, noting that providing a translator with language independent portions of the source code introduces multiple problems in the software development cycle: “Other types of errors resulting from this type of system [the translator having access to the complete source code] resulted as the file containing the program logic flow was being edited by a person untrained in programming. This resulted in inadvertent changes possibly being made to the syntax of the application program, which would cause fatal errors when trying to compile, link, or run the resulting code.” Malcolm, c. 2, ll. 11-17. According, Malcolm cannot be read as teaching (either expressly or implicitly), or even suggesting, that the translator might be provided with anything but the language dependent file (70).

Moreover, without the source file (40), or more specifically the language independent file (68) the translator’s system would be unable to display any panels, let alone “display[] for a translator (i) said at least a first component of said software in a first format, and (ii) said at least a first component of said software translated into said second language in a second format,” as recited by claim 1.

The office action appears to finesse this distinction by implicitly arguing that Malcolm contemplates the developer, having access to all of the program's source code, being responsible for the translation of the program as well. Specifically, in responding to the applicants' previous arguments, the office action argues that "it strains what is ordinarily known to those skilled in the art of software development to hold that an end product would not be available for view by a developer during the development process." The applicants respectfully submit that this statement, even if true, is not relevant to Malcolm's disclosure. The whole point of Malcolm is that the translator is a different entity than the developer. Indeed, Malcolm expressly states that

"[t]he system and method further provide improved conveyance of information between the person(s) responsible for the initial user interface screen or panel layout in the initial language, and the person(s) responsible for translating the language specific portion of this screen layout into a subsequent language. Information containing specific comments pertaining to a given field or submenu to be displayed, and its associated text, can be appended to the file containing the text to be translated. Such annotated text can direct the translator that a particular text string should not be translated, for example, because it is an acronym not capable of being translated."

Malcolm, c. 2, l. 64 – c. 3, l. 8 (emphasis added). Moreover, as noted above, Malcolm expressly teaches away from providing the translator with the entire source code for the problem.

Hence, Malcolm expressly teaches that the translator is a different entity than the developer, and that the translator is provided only with an annotated text file containing the text to be translated, along with any associated annotations. There is no teaching or suggestion in Malcolm that this file even provides sufficient information to allow the display of a first component in a first format or the display of the translated component in a second format. In fact, as noted above, Malcolm expressly teaches the opposite – that only the text to be translated (and annotations thereto) is provided to the translator. The applicants, therefore, respectfully submit that the rejection of claim 19 reads into Malcom's disclosure far more than what is actually there.

Accordingly, there is no reasonable dispute that Malcolm fails to expressly teach that the translator is provided with any display of a software component other than the text to be translated (and annotations thereto). Nor can Malcolm be considered to teach this element inherently: “The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. . . . ‘In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.’” MPEP § 2112 (quoting *Ex parte Levy*, 17 USPQ2d 1461, 1464 (BPAI 1990) (emphasis in original)). Malcolm expressly provides another method (annotations) of ensuring that the translator has sufficient context to properly translate the text, so Malcolm cannot be read as inherently teaching this element. Since Malcom, as noted above, does provide a facility to ensure that a translator has the necessary information to translate the text, there would be no motivation to modify Malcolm to operate in the manner recited by claim 18. Finally, since, as noted above, Malcolm teaches away from providing the translator with the complete source code for the program, there would be no way to modify Malcolm to display the panels of Fig. 5 for the translator.

Accordingly, Malcolm does not even suggest (and certainly does not teach) that its system might be configured to “simultaneously display[] for a translator (i) said at least a first component of said software in a first format, and (ii) said at least a first component of said software translated into said second language in a second format, wherein said first format comprises a format in which said at least a first component in said first natural language is displayed by a version of said software utilizing said first component in said first natural language, and wherein said second format comprises a format in which said at least a first component is displayed in a version of said software utilizing said translation of said first component into said second natural language,” as recited by claim 18. Claim 18, therefore, is believed to be allowable over Malcolm.

Independent claims 34-36 recite elements substantially similar to those of claim 18, described above. Consequently, those claims are believed to be allowable for substantially

similar reasons. Dependent claims 20-22, 24 and 30-33 are believed to be allowable at least by virtue of their dependence from allowable independent claims.

IV. Claim Rejections under 35 U.S.C. §103

Claim 23 was rejected under § 103(a) as being unpatentable over Malcolm, in view of Lakritz. Claim 23 depends from claim 18, and is believed to be allowable at least by virtue of that dependence.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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